

Kosovo National Security - Challenges and Risks

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Abstract: Kosovo is the youngest country in Europe and continues to have problems in consolidating its state sovereignty. Moving from a serious process of gaining citizenship and consolidating democratic institutions, Kosovo remains in the agendas of the great powers as an unfinished matter. Serbia's territorial claims, unlikely membership in the UN, lack of recognition by the EU's five states, is stagnation in political, economic and social developments in general. In the state building process is national security and consolidation of security institutions. Its national security remains challenged by Serbian parallel structures assisted by Belgrade officials. The purpose of the article is to present the premise, key components, challenges and risks of Kosovo's National Security. The analysis will include strategic documents created by Kosovo institutions, which set out the national security objectives of the country and the means to achieve them. The work will also analyze the institutional structure of national security in the Republic of Kosovo.

Keywords: Kosovo; national security; strategy; institutions of security

1. Introduction

National security is an important component of state power. Through it, the most important values of society are protected. States design policies and establish institutions in order to ensure overall national security. To create national security,

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measures are required at national and international level. So states have to undertake a range of actions to be safe.

Analyzing the security situation, their tendencies and external forms of security risks, challenges and threats on the protected object, the legality of manifesting the negative security circumstances and the reasons for the occurrence of adverse security events should be determined. Determining the security situation is a synthesized conclusion regarding the state and nature of security events with a detailed description of the nature of each display and its predictions of its impact on the security situation in the future (Stankovski, 2013, p. 137).

Security is a value, then, of which a nation can have more or less and which it can aspire to have in greater or lesser measures. It has much in common, in this respect, which power or wealth, two other value of greater importance in international affairs. But while wealth measures the amount of a nation's material possessions, and power its ability to control the actions of others, security in objective sense, measures the absence of threats to acquired values, in a subjective sense, the absence of fear that such values will be attacked (Wolfers, 1952, pp. 485-486).

The national security system, which consists of two main elements: national security policy and national security structures, provide security to all members of society (Grizold, 1999).

The overall global situation, as well as divergences and frequent political clashes to conflicts and war, both globally and regionally, have led to situations in which States must necessarily focus on improving the overall national security situation. Therefore, the issue of national security needs to be tackled with high priority by the government and other public security institutions and invested in financial, infrastructure and human capacities so that the state is prepared for the challenges of global and regional security.

Over the last 15 years, the Western Balkans have experienced a dramatic transformation of geopolitical, security and defence circumstances, ranging from NATO intervention against the former Yugoslavia (1995, 1999), and continuing, with the Treaty of Ohrid (2001), independence of Montenegro (2006) and Kosovo (2008), Albania and Croatia's NATO membership (2009), and Croatia's EU membership. As a consequence, the countries of the region have moved from war to peace, from peace to detachment, and from detachment to bilateral and multilateral cooperation. The relations between Kosovo and Serbia, which are in

the early stages of detainees, are an exception to this general tendency (Peci, 2014, p. 9).

Of all the Western Balkan countries, only Bosnia and Herzegovina, Macedonia and Kosovo have not joined NATO. Serbia is not interested in joining this organization because of the 1999 war. Failure to join these countries in NATO poses a threat to Russia's intervention and influence in the Western Balkans region.

The purpose of this paper is to present the premise, main components, challenges and risks of Kosovo's National Security. The analysis will include the legal framework and strategic documents created by Kosovo institutions, through which the national security objectives of the country are set out and the means to achieve them. The work will also analyze the institutional structure of national security in the Republic of Kosovo.

2. National Security of Kosovo

The security sector is composed of all the structures, institutions and personnel responsible for security provision, management and oversight at national and local levels. Good SSG means that the security sector provides effective and accountably state and human security within a framework of democratic civilian control, rule of law and respect for human rights. Establishing good SSG is the goal of security sector reform. The SSR is the political and technical process of improving state and human security by making security provision, management and oversight more effective and more accountable, within a framework of democratic civilian control, rule of law and respect for human rights. SSR may focus on only one part of the security sector or the way the entire system functions, as long as the goal is to improve both effectiveness and accountability.

An important part of national security is the formulation of a national security policy.

National interests are the cornerstone of formulating national security policy and serve as guidelines for dealing with security threats and addressing available options, (Bartholomees, 2010, p. 5) while national security intentions serve as guidelines for the protection and advancement of national interests (Peci, 2014, p. 18).

If the security and military situation is analyzed, the estimates are that Kosovo does not face any serious and direct threats from the Western Balkan countries except Serbia, which has territorial claims and often threatens to use force.

"The only threat to Kosovo is derived from Serbia's hostile defence and security policies, which give its military forces political direction. Therefore, it is difficult to believe that Belgrade does not have military planning for unforeseen situations against Kosovo. Indeed, it is clear that Kosovo does not even present a military threat to Serbia, whether in the foreseeable future or in any foreseeable future, regardless of the "security" of this non-existent issue from Belgrade, which, in essence, is a consequence of Belgrade's unwillingness to recognize Kosovo's statehood. In addition to this, the Pristina-Belgrade dialogue, assisted by Brussels, has not touched confidence-building measures between the two countries on security and defence issues. Achieving a significant normalization of relations between Kosovo and Serbia that would even go to mutual recognition is unpredictable without addressing the current doctrinal confrontation between the two countries and without their move towards defence co-operation" (Peci, 2014, p. 64).

In this context, given that Kosovo does not have an Armed Force, the presence of the forces of the NATO North Atlantic Alliance in order to maintain peace and security is further necessary in Kosovo. The withdrawal or termination of the NATO mission in Kosovo would be fatal to the security of the newest state in Europe - Kosovo. This danger is also due to the non-membership of Kosovo in the United Nations. The most likely option in the Serbia-Kosovo report is that Serbia wants Kosovo's partition - where its Serb-majority populated northern part was taken from Serbia. This is the scenario that is supposed to be realized by Serbian leaders, and presents the greatest danger to the sovereignty and territorial integrity of the Republic of Kosovo. Kosovo is interested in establishing armed forces and becoming a member of NATO as soon as possible, so Kosovo does not intend to be a military neutral country since it has openly presented the need for NATO membership in the NATO-NATO pact.

The national security system in Kosovo consists of three components: 1. Constitution, legislation and other strategic documents in the field of security, 2. Security institutions, and 3. National Security Policy. For the realization of national security, legal documents are needed, which also establish and operate security institutions and a national security policy.

2.1. Constitutional and Legal Basis

The legal basis of the security institutions derives from the Constitution of the Republic of Kosovo. The constitution foresees security institutions and their activity. The Constitution has enabled the adoption of basic laws in the field of security such as: Law on the Kosovo Security Force, Law on Kosovo Security Council, Law on Kosovo Intelligence Agency, and Law on Kosovo Police. It is difficult to emphasize whether Kosovo has established a legal and institutional system of national security. The legal basis is at the initial stage of creation as well as the security institutions that are in the first steps of consolidation. When these components are added to the fragility of state institutions in general and the serious political environment, it is clear that this is a bad security situation.

For peace keeping and national security within the country it is required to take necessary measures regarding the legislation and other institutional bodies. In this respect, Kosovo has marked progress, but still insufficient. The constitution and laws have enabled the establishment of security institutions at the initial phase, whereas the defence institutions have not been founded so far. For the national security it is necessary to set up national interests and objectives of national security. For this reason, the government of the Republic of Kosovo has prepared several strategic documents for the national security, such as The Security Strategy of the Republic of Kosovo, Counter Terrorism National Strategy of the Republic of Kosovo 2012-2017, Security Sector Review Analysis of the Republic of Kosovo, and the Prevention Strategy for the Violent and Radical Extremism leading to Terrorism 2015-2020.

The Security Strategy of the Republic of Kosovo was adopted in 2010 and we think that the Government should prepare a new strategy that fits the new circumstances created.

In 2014, the Government prepared a strategic document "Analysis of the Strategic Review of the Security Sector of the Republic of Kosovo". According to this strategic document: " The National Security Interests and Objectives of the Republic of Kosovo are independence, sovereignty and territorial integrity; constitutional order; sustainable economic development; life, welfare, property and security of Kosovo citizens; regional stability and membership in international organizations. National Security Interests and Objectives form the basis for the

current and future mission and tasks of the institutions in general, and security institutions in particular" (Republic of Kosovo, 2014, p. 17).

The adoption of the Strategy for the Prevention of Violent Extremism and Radicalization leading to Terrorism 2015-2020 is dictated by the need presented, as a significant number of Kosovo citizens joined the wars in Syria and Iraq.

2.2. National Security Institutions

For security institutions will be discussed in more detail following the work, in the third part of the paper.

2.3. National Security policy

"A national security policy is an official description of how a state aims to provide for its own security and that of its population: it establishes a national understanding of the threats and risks of the security environment, and the values and principles that will guide the state in providing state and human security. It is intended to provide an overarching national vision as the basis for the development of other documents such as a national security strategy or subsector plans. A national security policy can take the form of a single document, but it can also be reflected in a collection of existing documents that together compose a coherent integrated policy. A national security policy is defined by the purpose it serves and not by its title: it might also be called a plan, strategy, concept, doctrine or similar" (DCAF, 2015, p. 2).

The National Security Policy consists primarily of foreign policy, defence policy, internal security policy and protection policy against natural and other disasters.

Kosovo needs to work hard on empowering foreign policy in all its segments, including diplomatic and consular missions, representation and participation in international forums and foreign policy co-ordinated with the President, Prime Minister and Minister of Foreign Affairs. In this sense, cooperation and worthy presentation in the international arena would contribute to the growth of prestige in international relations. One particular aspect that foreign policy should focus on is maintaining friendly relations with friendly states that have recognized Kosovo and continue to support it in the process of international recognition of the state. Another segment to be attached to his membership engagement in international organizations such as UN, NATO, OSCE, etc.

The Republic of Kosovo has an internal security policy but no defence policy since there are no armed forces. Defence policy should focus on the creation of armed forces and intelligent defence services and the creation of an army of contemporary standards capable of facing the challenges of national and global security.

3. Security Institutions of Kosovo

Among the most important institutions or mechanisms are the parliament, the president, the government (the prime minister and the respective ministries), the Kosovo Security Council, the Kosovo Police, the Kosovo Security Force, together with the Kosovo Intelligence Agency. Currently, the only local security institution in Kosovo that has the right to use any kind of physical force is the police, making it the most important local security institution (Qehaja and Vrajolli, 2012, p. 111).

Constitution of the Republic of Kosovo ¹ which was approved and entered into force after the declaration of independence of Kosovo, the security chapter is foreseen by the security bodies of the Republic of Kosovo. In this sense, the security sector is foreseen in chapter XI. Article 125 of the Constitution [**General Principles**] states:

1. The Republic of Kosovo has power over law enforcement, security, justice, public security, intelligence, civil emergency and border control on its territory.
2. Security institutions in the Republic of Kosovo protect the public safety and rights of all in the Republic of Kosovo. Institutions operate with full transparency and in accordance with internationally recognized democratic and human rights standards. Security institutions should reflect the ethnic diversity of the people of the Republic of Kosovo.
3. The Republic of Kosovo fully respects all applicable international agreements and relevant international law and cooperates with international security bodies and regional counterparts.
4. Civilian and democratic control over security institutions is guaranteed.

¹ The Constitution of the Republic of Kosovo entered into force on 15 June 2008 and was prepared in accordance with the Comprehensive Plan for the Final Status Settlement of Kosovo known as Ahtisaari Plan.

5. The Assembly of the Republic of Kosovo oversees the budget and policies of security institutions, as regulated by law (Constitution of the Republic of Kosovo, Article 125).

Under the constitution, Kosovo security bodies are: Kosovo Security Force, Kosovo Security Council, Kosovo Police, Kosovo Intelligence Agency and Civil Aviation Authority. Kosovo's political configuration is based on the Ahtisaari Package and for this reason, Kosovo has security institutions but no defence institutions - so there is no military defence force. The constitutional changes should be made for the creation of the armed forces of the Republic of Kosovo. Constitutional changes are not easy since, for issues of vital interest and affecting the interests of communities and their members, they should also vote for representatives of communities in the Kosovo Assembly.

Thus, in the Constitution, respectively Article 144 paragraph 2 states:

"Any amendment will require the approval of two-thirds (2/3) of all members of the Assembly, including two-thirds (2/3) of all Assembly Members holding reserved or guaranteed seats for community representatives which are not a majority in the Republic of Kosovo. "So, for changing the Kosovo Constitution, the so-called Badinter Principle, double voting, is required that in the case of Kosovo Serb minority has openly opposed the amendment of the Constitution that would open the road to the creation of the armed forces. According to them, the Kosovo Armed Forces pose a threat to the security of the Serb minority community - in fact, Serbian representatives in Kosovo are instrumentalized by Belgrade, respectively representing the interests of Belgrade in Belgrade and not Kosovo Serbs. So the constitutional changes that would open the way for the creation of the armed forces are a challenge in themselves for the institutions of Kosovo. In this regard, it can be concluded that without the creation of armed forces, Kosovo's security is not complete.

The Kosovo Security Force currently, according to the constitution of the Republic of Kosovo: "It is a national security force for the Republic of Kosovo, and can send its members abroad in full compliance with its international responsibilities. The Kosovo Security Force protects the citizens and communities of the Republic of Kosovo on the basis of the competences provided by law. The President of the Republic of Kosovo is General Commander of the Kosovo Security Force, which is always subject to the control of democratically elected civil authorities. The Kosovo Security Force is a professional, reflects the ethnic diversity of the people

of the Republic of Kosovo and is recruited by the citizens of the Republic of Kosovo. The Kosovo Security Force commander is appointed by the President of the Republic of Kosovo, based on the Government's recommendation. The internal organization of the Kosovo Security Force is regulated by law (Constitution of the Republic of Kosovo, Article 126).

Meanwhile, the Law on KSF, Law no. 03 / L-46, regulates the scope and competencies of this security institution in the country. The law was adopted by the Kosovo Assembly on 13 March 2008. According to the law:

"1. The Kosovo Security Force, according to this law, is a completely voluntary force built by all strata of society. 2. The official languages of the Kosovo Security Force are Albanian and Serbian and communication with international organizations will also be used in English. 3. The Kosovo Security Force shall be designed and prepared to perform security functions not belonging to the police or other law enforcement organizations, which functions shall be authorized through a monitoring process in accordance with the established standards, which will be deployed by the International Military Presence, in co-ordination with the International Civilian Representative (Law no. 03 / L-46, Article 9).

In conclusion, for the creation of the armed forces, the Constitution should first be changed - which should foresee the Kosovo Protection Force and then adopt the law on the armed forces of the Republic of Kosovo, where next to the name would be changed the mission, its powers and scope.

The Kosovo Security Council (KSC) was established after the declaration of independence, in accordance with the laws deriving from the Ahtisaari Package, as part of the new architecture of the Kosovo Security Sector. An integral part of the council is the country's key players in the security sector as well as other sectors. This council has an advisory and appraisal role in drafting policies, as well as examines the legislation related to the security sector in the country (Security Forum, 2010, p. 9).

This institution also has a constitutional basis, as it is established in accordance with the provisions of the Constitution of the Republic of Kosovo.

The Kosovo Security Council as one of the main security institutions under the constitution is guided by the Prime Minister of Kosovo, not the President, as is the practice of developed countries. Under the constitution, "the Security Council of

the Republic of Kosovo, in cooperation with the President of the Republic of Kosovo and the Government, prepares the security strategy for the Republic of Kosovo. The Security Council of the Republic of Kosovo has an advisory role in all matters relating to security in the Republic of Kosovo. The Security Council of the Republic of Kosovo is chaired by the Prime Minister with the support of the Government, except during the State of Emergency, as provided for by this Constitution. The President of the Republic of Kosovo may request meetings of the Security Council of the Republic of Kosovo, and the Council is obliged to co-ordinate its work closely with the President. The Security Council of the Republic of Kosovo will cooperate closely with the international authorities” (Constitution of the Republic of Kosovo, article 127). In the future, the Constitution should be amended to this point by placing the Presidency's chairmanship.

In Kosovo's constitutional security institutions, Kosovo Intelligence Agency is also involved. The Constitution has explicitly established the establishment of this important country security agency in chapter XXI "Security Sector", namely Article 129. The Constitution states that:

- "1. The Kosovo Intelligence Agency detects, investigates and supervises threats to security in the Republic of Kosovo.
2. The Kosovo Intelligence Agency is professional, politically impartial, and multiethnic and subject to oversight by the Assembly in the manner prescribed by law.
3. The President of the Republic of Kosovo and the Prime Minister, after consultation with the Government, jointly appoint the Director, Deputy Director and General Inspector of the Kosovo Intelligence Agency. Qualification and mandate are regulated by law.
4. The President of the Republic of Kosovo and the Prime Minister receive the same information about intelligence” (Constitution of the Republic of Kosovo, article 129).

In June 2008, the Kosovo Assembly adopted the Law on KIA providing specific details of the mandate of this institution and presenting the legal arrangement in which the KIA will operate. Specific parts of the KIA Law limited the executive powers of this institution by eliminating opportunities for direct or indirect use of force, citizen arrest or even initiation of investigations.

Law on Kosovo Intelligence Agency Law no. 03 / L-063, regulates the establishment, scope of activity, institution verification, organization and management of this institution, cooperation with other institutions of Kosovo, etc. The law also provides for prohibited functions for this institution.

Kosovo Police is the most important institution in providing security for citizens in the Republic of Kosovo. This institution was originally founded by the international community in Kosovo under the name Kosovo Police Service, to transform into a credible institution what is today and with the new name Kosovo Police in accordance with the Constitution and the Law on Kosovo Police.

The activity, organization and responsibilities of the KP are regulated by a special law, the Law on Kosovo Police. The applicable law for the Kosovo Police was adopted on 2 March 2012, Law no. 04 / L-076. "This law regulates the authorizations and duties of the Police of the Republic of Kosovo, its organization and other issues related to the activities and actions of the Police of the Republic of Kosovo" (Law no. 04 / L-076, Article 1).

The Republic of Kosovo Police is a public service within the scope of the Ministry of Internal Affairs. The police operate under the authority of the minister of the Ministry of Internal Affairs and under the control and supervision of the general director of the police. The ministry authority does not include the operational management of the police. The Director General reports and responds directly to the Minister for Police Administration and Management. The General Director cooperates with the Minister and provides information and reports to him in the manner prescribed by law. The police operate through a unified command chain throughout the territory of the Republic of Kosovo. Police are uniformed, emblem and flag approved by the Kosovo government. Under the legislation in force, the KP cooperates with central and local institutions as well as with the state prosecutor and the courts. The KP is authorized to cooperate with similar international organizations under the law or in accordance with international agreements.

Given that Kosovo since June 1999 was administered by the United Nations UN mission, the area of security was under the authority of this mission. According to UN Security Council Resolution 1244, in addition to the civilian presence and the police, the NATO troupe troops recognized by Kosovo Force are known. Even after Kosovo's declaration of independence, KFOR has continued to stay in

Kosovo, but the organization has been added to the European Union rule of law mission known as the EULEX abbreviation.

4. Kosovo's National Security Challenges

It was emphasized that Kosovo besides being a new state, it is also a small country with many geopolitical and security problems.

The very geopolitical environment of international dynamic relations has conditioned the adaptation of the foreign policy strategy of the small states, as well as the security issues. This type of state has manoeuvred in various forms to recover the vacuum of their power. This global context has also made state strategies ranging from neutrality and passivity to the emergence of an active protagonist in international relations, with a view to adapting this behaviour to the function of their national interests. Undoubtedly, this strategic approach of small states, in line with the aforementioned specifics, relates to the concept of their sovereignty. Thus, small states, besides their desire to integrate, to be safe and self-protected, must give up their own sovereignty (Elezi, 2015, p. 140).

When referring to the strategic documents adopted by the institutions of the Republic of Kosovo, it emerges that the range of challenges is quite large. Defining security challenges are addressed in the Security Strategy of the Republic of Kosovo, respectively in the third chapter. This strategy has divided two categories of challenges: 1. Different Challenges - Joint Responsibilities and 2. Challenges: Opportunities for Progress.

In the first category, challenges have been identified in general terms, emphasizing the necessity of institutional cooperation within Kosovo to address the challenges. In addition, the need for cooperation with international organizations and membership in regional and international organizations is emphasized. By becoming an integral part of the international cooperation mechanisms, Kosovo will be able to contribute to improving the overall security level in the region. In this section are also highlighted some other challenges, such as natural and human disasters, the state of emergency, poverty, unemployment, corruption in public institutions, transitional crime etc.

The second category explains in detail the security challenges of the Republic of Kosovo. In this section are identified challenges, good governance, fighting

corruption, organized crime, terrorism, weapons use, explosive devices, and civil emergencies. Also mentioned are the challenges of economic development, education and scientific research, the integration of all communities in the institutional public life of Kosovo, agriculture, public health, environment, cultural heritage (Security Council of Kosovo, 2010, p. 11-16).

As noted above, it is seen that this strategy is very general and does not address potential challenges related to the violation of the security and state integrity of the Republic of Kosovo. Even some of the challenges are listed as security risks in another strategic document of the institutions of the Republic of Kosovo "Analysis of the Strategic Review of the Security Sector of the Republic of Kosovo".

From its planning to the final implementation step, the strategy is subject to control, assessment, in order to test the rationality and success of its selection in terms of target output. So, in this universal logic, even for a small state, it connects the mission, objectives, goals, the resources present, and the means and means used to meet the security objectives. The national security strategy as a framework document and synthetic, where the national fundamental interests of a country are expressed, is presented as a guide to addressing potential, potential, opportunities, threats and threats. She is known by different conceptual names such as plan, doctrine, etc. (Elezi, 2015, p. 138).

5. Hazards of Kosovo's National Security

In addition to the challenges that need to be gradually overcome by the local institutions of the Republic of Kosovo and that are numerous and include many segments of public and social life in the country, strategic risks are the hazards of a country.

According to the document approved by the Government of Kosovo "Analysis of the Strategic Review of the Security Sector of the Republic of Kosovo", the risks of Kosovo's national security have been defined. "Through the Security Sector Strategic Review process in Kosovo, numerous internal hazards have been identified, including ethnic and religious extremism, natural disasters, unexploded ammunition / improvised explosive devices (UXO / IED), small arms distribution, crime organized, inadequate economic development, unemployment, mild security / justice institutions, corruption, disputed / unreached borders, and misuse of

natural resources. All of these risks could threaten security, rule of law, and damage the image of country outside" (Republic of Kosovo, 2014, p. 17).

Terrorism, the sensitive situation in the north, as well as the social revolts are the three potential risks posed to Kosovo in terms of security. These dangers have been identified by the leaders of the law enforcement institutions, while also confirming the reports of non-governmental organizations dealing with security issues (<http://archive.koha.net>).

In addition, the enormous risk poses the influence and mix of Russia in the Western Balkans and the fight against transnational border crime.

Although Kosovo does not consider the Republic of Serbia as a danger to its security, "in accordance with its own de recognition policy, Serbia has projected Kosovo as the main security threat in almost all aspects, including the military. Kosovo, formally - but also unrealistically - has decided not to consider Serbia as such. This Kosovo political choice may have been the result of: (a) thought led by desires, (b) defence (c) suggestions from some of the Western governments that support the transformation of the Kosovo Security Force (KSF) into the Armed Forces of Kosovo (FAC) this election does not solve this problem by itself, despite the "fragile detachment" between Kosovo and Serbia, which is the result of a dialogue facilitated by the European Union.

6. Conclusion

National security is one of the most valuable segments of a sovereign state and among the most important components of state power, which requires taking concrete measures and actions to secure the country from internal problems and external threats. We emphasized that the national security system consists of: legal acts and strategic documents, security institutions and national security policy. The Republic of Kosovo has adopted the constitution and laws that regulate this area as well as strategic documents, but these legal acts require revision and adaptation to the contemporary needs, circumstances and circumstances in which Kosovo is today.

Security institutions are in the consolidation phase in all their aspects, therefore mobilization and investments are required to function as quickly as possible and achieve the perfection of their work. In this way, the security of citizens would be

ensured and the state would be protected from external threats. In this regard, the constitution should be amended as soon as possible and the armed forces of the Republic of Kosovo should be established. Armed forces are created as a modern force under NATO standards and thus become part of this international security organization.

The Republic of Kosovo has many security challenges as well as its risks. The main danger comes from Serbia, which has its own structures in Kosovo as well as by Serbian political parties that are in Kosovo institutions and are run by official Belgrade, foreign secret services, especially the Russian and Serbian ones, which aim at destabilizing Kosovo, strengthening the institutions (border police and customs) in combating transnational border crime, facing terrorism and citizen participation in the wars in Iraq and Syria is a danger to the country. Strategic documents that have been approved by Kosovo institutions should be revised and adapted to new conditions and circumstances.

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